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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,271	11/09/2001	James P. Freyensee	5181-96500	2600

58467   7590   09/24/2007

MHKKG/SUN
P.O. BOX 398
AUSTIN, TX 78767

EXAMINER
PHAN, THAI Q

ART UNIT	PAPER NUMBER
2128	

MAIL DATE	DELIVERY MODE
09/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/008,271	FREYENSEE ET AL.
	Examiner	Art Unit
	Thai Phan	2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>06 July 2007</u>.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-39</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-39</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to applicants' response to Office Action, filed on

July 06, 2007.   Claims 1-39 are pending in the Action.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by.

Duda et al, US patent no. 6,628,287.

As per claim 1, Duda anticipates s a method and system for simulating and

supporting a hot plug or hot pull process to support a secure distributed simulation with

feature limitations very similar to the claimed invention. According to Duda, the secure

distributed simulation system includes components and steps:

Configuring a first node, the node configured to participate in a simulation of a

system under test, the configured node is to simulate a system component under test

(col. 4, lines 34-55, col. 6, lines 7-12),

Configuring a second network node to transmit a pull command designating to

the first node (col. 4, lines 19-29, col. 6, lines 31-55, for example), and

Responsive to the hot pull/pull command, the first node stops the participation in the simulation to simulate a removal of the component from the system under test (col. 6, line 31 to col. 7, line 32, col. 9, line 19 to col. 10, line 24, col, 12, lines 22-64).

In other words, Duda anticipates the simulation process is able to simulate the add-on object or removal of the object or component from the system under simulation in a secure and distributed manner by disregarding or deceasing the actor operation so that the actor can handle the simulation of the removal or add-on component in the system under simulation (col. 8, lines 2-5, col. 12, lines 17-21, lines 28-45, col. 12, line 65 to col. 13, line 15).

As per claims 2-3, Duda anticipates a simulation network including a plurality of network nodes or simulation nodes, each node configured to participate in the simulation of the system under test or to stop the participation of the simulation (col. 4, lines 19-28, lines 35-55, col. 7, line 48 to col. 8, line 35).

As per claim 4, Duda anticipates network station or processor for participating the simulation, freeing simulation resources (col. 7, lines 33-47, col. 8, lines 60-62), halting the plug or pull simulation, etc (col. 9, lines 32-51).

As per claim 5, Duda anticipates a network server with terminal stations connected to (hub) (col. 4) for secure distributed simulation.

As per claim 6, Duda anticipates the hub configured to couple to plurality of network node above (cols. 4-5)

As per claims 7-10, Duda anticipates a network station interconnected to the simulation network to control the simulation participation and plug in node to simulate,

terminate, and/or participate the pull or plug process (col. 5, lines 31-40, col. 6, lines 6-12).

As per claim 11, Duda anticipates s a method and system for simulating and supporting a hot plug or hot pull process to support a secure distributed simulation with feature limitations very similar to the claimed invention. According to Duda, the secure distributed simulation system includes components and steps:

Configuring a first node upon, the node configured to participate in a simulation of a system under test for participation command, the configured node is to simulate a system component under test (col. 4, lines 34-55, col. 6, lines 7-12),

Configuring a second network node to transmit a pull command designating to the first node (col. 4, lines 19-29), and

Responsive to the hot pull command, the first node stops the participation in the simulation to simulate a removal of the component from the system under test (col. 9, line 19 to col. 10, line 24, col. 12, lines 12-64, for example).

As per claim 12, Duda anticipates step: delaying, stopping, or ceasing the simulation participation (col. 7, line 48 to col. 8, line 35, col. 13, lines 3-15).

As per claim 13, Duda anticipates network station or processor for participating the simulation, freeing simulation resources (col. 7, lines 33-47, col. 8, lines 60-62), halting the plug or pull simulation, etc (col. 9, lines 32-51).

As per claims 14-19, Duda anticipates a network server with terminal stations connected to (hub) (col. 4) for secure distributed simulation. The hub is configured to

couple to plurality of network nodes above for secure distributed simulation of the

system under test (cols. 4-5)

As per claim 20, Duda anticipates s a computerized method and system with

computer readable medium (computerized control program) for simulating and

supporting a hot plug or hot pull process to support a secure distributed simulation with

feature limitations very similar to the claimed invention. According to Duda, the secure

distributed simulation program means includes components and steps:

Configuring a first node, the node configured to participate in a simulation of a

system under test upon receiving a participation command, the configured node is to

simulate a system component under test (col. 4, lines 34-55, col. 6, lines 7-12),

Configuring a second network node to transmit a pull command designating to

the first node (col. 4, lines 19-29), and

Responsive to the hot pull command, the first node stops the participation in the

simulation to simulate a removal of the component from the system under test (col. 9,

line 19 to col. 10, line 24). Duda also anticipates the add-on or removal of objects from

the simulation and designating an actor (simulator) to handle the process of removal or

adding components to the system (cols. 12-13).

As per claim 21, Duda anticipates instructions to instruct plug-in or pull command

in the simulation network (col. 7, lines 25-27).

As per claims 22-23, Duda anticipates command to cease or halt the operation

(col. 9, lines 32-51).

As per claim 24, Duda anticipates a network server with terminal stations connected to (hub) (col. 4) for secure distributed simulation.

As per claims 25 and 26, Duda anticipates the hub configured to couple to plurality of network node above (cols. 4-5). Duda also anticipates a network station interconnected to the simulation network to control the simulation participation and plug in node to simulate, terminate, network resources, and/or participate the pull or plug process (col. 5, lines 31-40, col. 6, lines 6-12).

Claims 27-39 are directed to a computer program product and system to execute the program product for performing steps in the rejected claims above, namely, control the plug-in network station or insertion of the network station into the secure distributed simulation system. Claims 27-39 are thus rejected under the same rationales as set forth.

Response to Arguments

3.   In response to applicant's arguments Duda has anything to do with a hot pull command, or simulation of the removal of a component from the system under test, the examiner disagrees with. Duda discloses plug-in command or pull command as claimed (col. 4, lines 20-28, col. 12, lines 22-64). Duda also discloses multiple actors can be redistributed in the simulation, for example, by discarding values responsively manipulated by user simulator or simulating the add-on object or removal of the object or component from the system under simulation in a secure and distributed manner (col. 8, lines 2-5, col. 12, lines 17-21, lines 28-45, col. 12, line 65 to col. 13, line 15).

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thai Phan whose telephone number is 571-272-3783.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kamini Shah can be reached on 571-272-2279. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

6.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sep. 17, 2007

THAI PHAN
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100